REMARKS

This amendment is being filed in response to the Office Action having a mailing date of September 2, 2009. Various claims are amended as shown. Dependent claim 11 is rewritten into independent form. No new matter has been added. Claims 6, 12, and 32 were previously canceled without prejudice. With this filing, claims 1-5, 7-11, 13-31, and 33-35 are pending in the application.

I.   Substance of the interview

A telephone interview was conducted between the Examiner and the attorney of record (Dennis M. de Guzman) on October 30, 2009. The Examiner is thanked for taking the time from his busy schedule to conduct the telephone interview with Mr. de Guzman.

The Interview Summary (form PTOL-413) mailed on November 5, 2009 indicated that this present amendment/response should include the "Substance of the Interview." Accordingly, the Substance of the Interview is provided below:

In the telephone interview of October 30, 2009, Mr. de Guzman provided his interpretation of the cited references and explained why he believed that the cited references do not teach the recitations contained in the claims. In response, the Examiner provided his interpretation of the cited references and claims, and accordingly indicated that he believes that the claims still properly stand rejected. No agreement was reached as to the allowability of the claims. The Examiner indicated that dependent claims 11, 15, and 19 might possibly be allowable if rewritten in independent form and if amended to more clearly address the objection raised in the present Office Action with respect to the term "session."

II.   Claim objections

The present Office Action indicated that the terms "adapted to" and "wherein" in the claims were being "deemed as optional language," and requested that the occurrences of such terms be deleted from the claims. It is respectfully submitted that such terms in the claims are proper, for example, since long-established U.S. Patent Office practice has permitted use of such terms in claims and millions of issued patents contain such terms in their claims.

However, to facilitate prosecution and without any admission that the objections raised by the present Office Action are proper, various claims are amended herein as shown so as to delete occurrences of "adapted to" and "wherein." It is noted herein for the record that such amendments are being made to accommodate the request made by the Examiner, and that such amendments are not intended to and do not invoke 35 U.S.C. § 112, sixth paragraph and/or other interpretation that would unduly limit the scope of the claims.

The present Office Action further objected to claims 11, 15, and 19, alleging that the phrase "a session" is indefinite. To facilitate prosecution and without any admission that such objections by the present Office Action are proper, claims 11, 15, and 19 are amended herein to recite, *inter alia*, "said generated session being a period of time to store forwarding information for the packet or a fragment thereof." Such recitations find support throughout the specification as filed. In view of such amendments to claims 11, 15, and 19, it is kindly requested that their objections be withdrawn.

III.   Discussion of the claims and cited references

The present Office Action rejected claims 1-6, 9-15, 17-22, 24-29, and 32-35 under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mankude (U.S. Patent No. 6,795,866) in view of Egevang (U.S. Patent Application Publication No. 2003/0081605) and in further view of Basso (U.S. Patent No. 7,065,086). Claims 7, 16, and 30 were rejected under 35 U.S.C. § 103(a) as allegedly being unpatentable over Mankude in view of Egevang and Basso, and in further view of Iny (U.S. Patent Application Publication No. 2002/0061030). Claims 8, 23, and 31 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Mankude in view of Egevang and Basso, and further in view of Malagrino (U.S. Patent No. 6,714,985).

For the reasons set forth below, these rejections are respectfully traversed. It is therefore kindly requested that the Examiner reconsider and withdraw the rejections.

A.   Independent claim 1

Independent claim 1 as previously presented and as presented herein recites, *inter alia*, "wherein said applying includes adding to the non-head fragments, by said network device,

a routing tag that includes said destination address that was determined by said processing of said head fragment" (emphasis ours). It is respectfully submitted that the recited "routing tag" of claim 1 is not taught by Mankude, Egevang, and Basso that were cited in the rejection of claim 1.

For example, in explaining the rejection of claim 1 on the basis of Mankude, Egevang, and Basso, pages 3-5 of the present Office Action fails to specifically address the claimed routing tag and where such routing tag is taught by Mankude, Egevang, and Basso. Furthermore, in explaining the rejection of claim 7, page 9 of the present Office Action admitted that Mankude, Egevang, and Basso do not mention "a routing tag ... that includes the determined destination address."

To supply the missing teachings of Mankude, Egevang, and Basso pertaining to a routing tag, page 9 of the present Office Action relies upon Iny to reject claim 7 and asserts that it would have been "obvious to implement the step of tagging of a destination address to a fragment as taught by Iny to the fragment forwarding process of Mankude, modified by Egevang..."

This assertion of obviousness by the present Office Action is respectfully traversed herein.

It is well settled that if the proposed modification or combination of the prior art would change the principle of operation of the prior art invention being modified, then the teachings of the references are not sufficient to render the claims *prima facie* obvious. *In re Ratti*, 270 F.2d 810, 123 USPQ 349 (CCPA 1959). MPEP § 2143.01(VI) explicitly supports this position.

In the present situation, certain ones of the references determine/apply the destination address in fundamentally different ways from each other, such that the combination proposed by the present Office Action would require one or more of the cited references to change their principle of operation. Accordingly, there is no *prima facie* obviousness in this situation.

Mankude (*see e.g.*, his Figure 4 and the accompanying description on column 6, line 20 *et seq.*) teaches that he creates a packet forwarding data structure 400 that points to "holder objects" 410, 420, and 430. A separate holder object is created for each packet. The

holder object(s) in turn include a field called "destination node" (412, 422, and 432) that contains the address of the destination to which the packet is being forwarded. According to column 7, lines 13-34, Mankude links each fragment into a corresponding holder object and determines the destination address to forward the fragment based on the information contained in the destination node specified in the holder object. Accordingly, Mankude uses a "look-up" type of technique (*e.g.*, determining the destination address for a fragment by looking up the destination address from the holder object linked to the fragment), rather than by adding a routing tag (that includes the destination address) to the fragment. Thus, modifying Mankude by adding a routing tag (as alleged by the present Office Action to be taught by Iny) would result in changing the principle of operation of Mankude. Such a change of the principle operation of Mankude makes the references insufficient to render the claims *prima facie* obvious. *In re Ratti*, and MPEP § 2143.01(VI) *supra*.

Basso is similar to Mankude in that Basso also uses a type of look-up technique. More particularly, rather than using the term "holder object" of Mankude, Basso uses a "Packet Cache Control Block" (PCCB), which is a "software or hardware construct." *See, e.g.*, column 9, lines 1-5 of Basso. The PCCB is set with a "destination identifier" that uniquely identifies a destination to which all fragments of the fragmented IP datagram must be forwarded. *See, e.g.*, column 10, lines 22-27 of Basso. In operation, the forwarding mechanism of Basso forwards a fragment to its destination as determined from and specified by the destination identifier in the PCCB. *See, e.g.*, column 16, lines 43-47 of Basso. Accordingly, Basso (like Mankude) uses a "look-up" type of technique (*e.g.*, determining the destination address for a fragment by looking up the destination address from the PCCB linked to the fragment), rather than by adding a routing tag (that includes the destination address) to the fragment. Thus, modifying Basso by adding a routing tag (as alleged by the present Office Action to be taught by Iny) would also result in changing the principle of operation of Basso. Such a change of the principle operation of Basso makes the references insufficient to render the claims *prima facie* obvious. *In re Ratti*, and MPEP § 2143.01(VI) *supra*.

In view of at least the above reasons, it is respectfully submitted that claim 1 is allowable.

      B.   Dependent claim 7

      Dependent claim 7 as amended herein recites, *inter alia*, that the routing tag specifies the destination address, which is "located at a receiver end outside of an exit point of said network device." In the explanation of the rejection of claim 7, page 9 of the present Office Action completely failed to address the recitation of "located at a receiver end outside of an exit point of said network device" in claim 7. Indeed, it is respectfully submitted that claim 7 is allowable over the cited references.

      For example, page 9 of the present Office Action admitted that Mankude, Egevang, and Basso do not mention "a routing tag ... that includes said determined destination address." To supply the missing teachings of these references pertaining to a routing tag, page 9 of the present Office Action relies upon Iny. However, Iny does not cure the deficiencies of these references.

      More particularly, paragraph [0027] of Iny clearly teaches that the destination-id 208 "indicates the destination output port of the packet" (emphasis ours). Thus, the destination address in Iny's "routing tag" is the destination address of the output port of his packet switching device 10. Stated in another way, the destination address of Iny is located at/in his device 10. In contrast, claim 7 requires the destination address to be located "outside of an exit point of said network device."

      In view of at least these reasons, claim 7 is thus allowable.

      C.   Independent claims 13, 28, 33 and their respective dependent claims 16, 30, and 35

      Independent claims 13 and 28 recite, *inter alia* and using varying language, a "routing tag" in a manner similar to claim 1. Claim 33 also recites a routing tag. For reasons analogous to those provided above with respect to claim 1, claims 13, 28, and 33 are also allowable.

      Dependent claims 16, 30, and 35 contain recitations generally similar to dependent claim 7, pertaining to "the destination address ... located at a receiver end outside of

an exit point of a network device." For reasons analogous to those provided above with respect to claim 7, claims 16, 30, and 35 are also allowable.

D. Independent claims 9, 17, and 20

Independent claim 9 as presented herein recites, *inter alia*, "overwriting a destination address field of these non-head fragments with said determined destination address" (emphasis ours). Independent claims 17 and 20 are amended in a similar manner, using varying language. It is respectfully submitted that claims 9, 17, and 20 are not rendered obvious by the cited references.

For example, page 10 of the present Office Action (Response to Arguments) cites column 5, lines 56-63 of Mankude as allegedly teaching "overwriting a destination field." This allegation by the present Office Action is traversed herein.

The passage of Mankude relied upon by the present Office Action describes copying a "unique value" into the "identification field" of the packet. The "unique value" of Mankude is a packet ID that identifies the packet to which the fragment belongs, and such packet ID is NOT a destination address that is overwritten into a destination address field. Stated in another way, Mankude copies a "packet ID" into an "identification field" of a packet, whereas claim 9 performs overwriting a "destination address" into a "destination address field" of a packet.

Thus, since the cited references do not teach all of the recitations of claim 9, such references fail to support a rejection of claim 9. The rejection of claim 9 should therefore be withdrawn.

Independent claims 17 and 20 recite "overwrite[s] a destination address field ... with said determined destination address," and are allowable over the cited references based on reasons analogous to those provided above with respect to claim 9.

E. Claim 11

Claim 11 is rewritten herein in independent form to include some recitations from its former base claim 11, including a recitation of "overwriting a destination address

field ... with said obtained destination address." For reasons analogous to those provided above with respect to claim 9, it is believed that claim 11 is in condition for allowance.

IV. Conclusion

If there are any informalities or questions that can be addressed via telephone, the Examiner is encouraged to contact the undersigned attorney at (206) 407-1574.

The Director is authorized to charge any additional fees due by way of this response, or credit any overpayment, to our Deposit Account No. 500393.

All of the claims remaining in the application are believed to be allowable. Favorable consideration and a Notice of Allowance are earnestly solicited.

Respectfully submitted,

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